

**HAWAII
ADMINISTRATIVE RULES
2000 TABLE OF STATUTORY
SECTIONS IMPLEMENTED
and
DIRECTORY**

2000 Supplement to 1995 Cumulative Edition

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FOREWORD

This publication sets forth a table listing the sections of the *Hawaii Revised Statutes* as they are implemented or interpreted by state administrative agency rules. This volume also includes a cumulative supplement to the 1995 edition of the Hawaii Administrative Rules Directory. The supplement lists all changes to section numbers or headings of rules adopted, amended, or repealed between May 1, 1996 and April 30, 2000. The 1999 Table of Statutory Sections Implemented and Rules Directory Supplement is superseded.

Disclaimer: Although every effort has been made to review and include all pertinent available data up to April 30, 2000, the information presented in this publication cannot be guaranteed to be a completely accurate listing of all state administrative rules. Information in this publication should be confirmed against official rules kept by the respective departments. This volume contains no references to rules that have not been converted to the Hawaii Administrative Rules format. Further, the Directory Supplement only lists amended sections that have had a change in the section number or heading. IT IS NOT A LISTING OF ALL AMENDED SECTIONS.

This publication was made possible to a substantial degree by the exhaustive efforts of various student employees of the Bureau who worked diligently on previous editions of the Directory. They are Mr. Willis Oshiro and Mr. Richard Lightner (1988 cumulative edition), Mr. Paul M. Saito (1989 supplement), Mr. Thomas S. Brennan (1990 supplement), Ms. Cynthia T. Tai (1991 cumulative edition), Ms. Jodi Kimura and Ms. Carlotta Diaz (1993 supplement), Ms. Lynn K. Kashiwabara (1994 supplement), Ms. Allison S.Y. Chang and Ms. Cathleen S. Chang (1995 cumulative edition), Mr. Eric Tashima (1996 supplement), Mr. Joseph Kernan (1997 supplement), and Legislative Reference Bureau-Systems Office (1998 and 1999 supplement). They served under the able direction and guidance of Assistant Director for Research Ken H. Takayama.

The Bureau also extends its sincere appreciation to Ms. Tanya Borabora of the Office of the Lieutenant Governor for her assistance.

Wendell K. Kimura
Acting Director

October 2000

FACT SHEET

Hawaii Administrative Rules 2000 Table of Sections Implemented and Directory Supplement

I. Highlights

Section 91-4.2, Hawaii Revised Statutes (part of the Hawaii Administrative Procedure Act), requires that all state agency rules include a listing of all statutes that are being implemented or interpreted by the rule. The 2000 Table of Sections Implemented is a compiled listing of all sections of the Hawaii Revised Statutes and the Session Laws of Hawaii (in the case of uncodified statutory provisions) listed as being implemented or interpreted by various state agency rules.

The table is designed for use by any person seeking to find out whether any particular section of (typically) the Hawaii Revised Statutes is being implemented or interpreted by state agency rules. The user would find the statutory section in the left column on the table. The corresponding numbers in the right column would be the numbers of any rule sections listed by state administrative agencies as claiming to implement or interpret that statutory section.

The Directory Supplement portion of the publication is a supplement to the 1995 Cumulative Edition of the Hawaii Administrative Rules Directory. The directory is a compilation of all of the section numbers and section headings of state administrative agency rules adopted in the Hawaii Administrative Rules format (the uniform format for all state agency rules). The directory thus serves as a detailed table of contents of the State's administrative rules. The 2000 Supplement lists the section number and heading of all rule sections adopted, repealed, or where the section number or heading has changed since the publication of the 1995 Cumulative Edition.

Users who access this publication at the Legislative Reference Bureau's website www.hawaii.gov/lrb/ (and clicking on to "lrb reports") will also have direct links to agency rules on the web.

II. Frequently Asked Questions

1. *Do the Table and Directory List All State Agency Rules?*

Answer: No. Both list only those rules that conform to the uniform format for state agency rules mandated by section 91-4.2, Hawaii Revised Statutes. A small number of rules have never been converted to the format. Further, an unknown number of state agency rules exist that are completely exempt from the requirements of the Hawaii Administrative Procedure Act (chapter 91, HRS). Not

only are these rules exempt from public notice and hearing, they need not be filed in the Office of the Lieutenant Governor, and, for that matter, do not even have to be in writing. Further, any attempt to collect these exempt rules could be futile because they can be changed at any time at the whim of the agency.

2. *Does an [R] Next to a Statutory Citation in the Table Mean that the Corresponding Rule Sections are Invalid or Obsolete?*

Answer: No. In itself, it simply means that the agency should update its list of statutes that the rule section claims to implement or interpret, because the indicated statute has been repealed. Many rule sections claim to implement more than one statutory section. If the particular statutory section is the only section being implemented, then the agency should determine whether other statutory sections should be substituted. It is also not unusual for an agency to list “None”, meaning that that particular rule section does not implement or interpret any particular statutory section. This does not mean that the rule section is unnecessary or obsolete. It may simply mean that the particular rule section is filling a gap left by the Legislature in the statutory scheme, which may be necessary to prevent “disconnects”.

3. *Does the 2000 Directory Supplement List All of the Rule Sections that have been Amended Since 1995?*

Answer: No. Users must remember that the Directory and Supplement are intended to serve as a table of contents. If the contents of a rule section are amended but the section number and title are unchanged, there is no change to note in the table of contents. The user is still searching for the same section number and heading. Listing all amended sections would add considerably to the bulk of the publication. Additionally, users still would not know whether the rule section had been amended once or many times.

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INTRODUCTION

This publication replaces the 1999 Table of Statutory Sections Implemented, and should be used in conjunction with the 1995 cumulative edition of the Hawaii Administrative Rules Directory. Items listed in this publication include repealed sections and the headings of new sections and sections where the headings have changed. Sections that have been amended substantively are not listed if their headings or numbers were not changed.

I. Background

Section 91-5, *Hawaii Revised Statutes*, required state agencies to publish their rules by June 21, 1981, in the format for administrative rules prescribed by the revisor of statutes. The purpose of the legislation which enacted this requirement was to replace the multiplicity of agency rule formats with a single uniform format for all state agency rules. Not all agencies have fully complied with this requirement. Other agency rules are completely exempt from the Hawaii Administrative Procedure Act (chapter 91, *HRS*). Accordingly, this directory supplement includes only those rules filed with the lieutenant governor in the Hawaii Administrative Rules format between May 1, 1995, and May 1, 2000, that were added, repealed, or whose section numbers or headings were changed.

II. Numbering System

The Hawaii Administrative Rules format prescribed by the revisor of statutes is substantially similar to the format used in the *Hawaii Revised Statutes*. Among other things, the format brings all agency rules adopted pursuant to the Hawaii Administrative Procedure Act into a single numbering system. The numbering system consists of a series of titles, with each title divided into chapters, and each chapter divided into sections. A title includes all of the rules of a particular department, and all other agencies attached to that department for administrative purposes.

III. Table of Sections Implemented

The table of sections implemented provides a means of finding whether rules exist which implement or interpret sections of the state statutes. The table should be used subject to the following cautionary instructions:

- (1) Rule listings are only to rules that have been converted to the Hawaii Administrative Rules format. This does not preclude the existence of other rules interpreting the same section that have not been converted.
- (2) Whether or not a particular rule section is said to implement or interpret a particular statutory section is a determination made solely by the administrative agency which adopted the rule.

IV. Directory

The purpose of this administrative rules directory is to serve as a functional equivalent of a detailed table of contents. The directory is organized as follows:

- (1) With the exception of the offices of the governor and lieutenant governor (which are listed first), legislative agencies, the judiciary, and the department of public safety (which are listed as titles 21, 22, and 23, respectively), the title numbers correspond to the listing in alphabetical order of the state departments as they existed in 1982. Departmental name changes which have occurred since that time have resulted in the departments of business, economic development, and tourism, commerce and consumer affairs, human resources development, and human services being out of order alphabetically.
- (2) Each title begins with a title “analysis”--a listing, in numerical order, of all of the subtitles and parts (if any) and chapters contained within that title, and their respective headings.
- (3) Each title analysis is followed in turn by chapter analyses of each chapter contained in that title. A chapter analysis is a listing of all of the section numbers and headings of the sections contained within that chapter.

Users must keep in mind that each title contains all of the rules of a particular department as well as the administrative agencies assigned by law to that department for administrative purposes. To assist users in finding the location of rules of particular agencies, a listing of specific agencies and the title in which their rules are located is included at the end of this introduction.

A person viewing a copy of the actual rules will find three informational notes listed at the end of each section. The source note (material in brackets) gives historical information concerning that particular section. Abbreviations include “Eff” (date section originally became effective), “am” (date section was amended), “ren” (renumbered), “comp” (compiled--merging in amendments and other changes to notes without modifying text of section), and “R” (repealed). Citations of authority (material in parentheses beginning with “Auth:”) indicate the state statutes, federal statutes, or federal rules which the adopting agency claims authorized the adoption of that particular section. The list of sections implemented (material in parentheses beginning with “Imp:”) indicate the state statutes, federal statutes, federal rules, or other laws which the adopting agency claims the particular section to be implementing or interpreting.

Questions concerning the Directory or the Table may be addressed to Ken Takayama, Legislative Reference Bureau, State Capitol, Room 446, Honolulu, Hawaii 96813, phone 587-0666, fax 587-0681, e-mail takayama@capitol.hawaii.gov.

V. Citation

Rules may be cited as follows:

- (1) When referring to a particular section:

(Section number), Hawaii Administrative Rules (agency name)

For example: 16-30-10, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)

- (2) When referring to a chapter:

Chapter (title and chapter number), Hawaii Administrative Rules (agency name)

For example: Chapter 16-30, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)

VI. Copies of Rules

The difference between a uniform format for rules and a codification (such as the Code of Federal Regulations) is that only in codifications is there central control over publication. Under the uniform format system adopted by the legislature, each agency retains almost complete control over its own rulemaking proceedings. While a collection of a number of state agency rules published in the uniform format might take on the appearance of a code, no such code exists. Accordingly, copies of agency rules must be obtained from the respective agencies. Persons seeking to establish collections of rules are advised to specifically request copies of rules in the “official” format (*i.e.*, on 8-1/2 x 11 inch paper, an exact replica of rules as filed with lieutenant governor). Agencies have been authorized to issue “unofficial” versions of rules which may differ from copies on file with the lieutenant governor in size of paper used, typesetting, the inclusion of relevant statutes or other materials, or any number of other modifications (although the actual text of the rules should not be modified in any way). All copies of rules distributed in other than the official format should be clearly marked “unofficial.”

Persons to be contacted for copies of rules are as follows:

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Judiciary

VI. Rulemaking Proceedings

The following persons have been designated by their respective departmental directors as the individuals to whom questions concerning the status of proposed new rules, or proposed amendments to or the repeal of existing rules may be addressed:

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The mailing addresses of the persons on this list are the same as the distribution coordinators for the same department on the previous list.

SELECTED AGENCIES ATTACHED TO DEPARTMENTS

	<u>Title</u>
Acupuncture, Board of.....	16
Aloha Tower Development Corporation.....	15
Architects, see Professional Engineers	
Audiology, see Speech Pathology	
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**TABLE OF THE HAWAII REVISED STATUTES SECTIONS
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BY ADMINISTRATIVE RULES
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[R] means HRS section is repealed.

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* Probably should be 231-25.5.

† Probably should be 235-5.

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* Probably should be 286-246.

[R] means HRS section is repealed.

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[R] means HRS section is repealed.

* Probably should be 305A-3.

[R] means HRS section is repealed.

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[R] means HRS section is repealed.

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* No such HRS section.

[†] Probably should be 351-68.

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‡ No such HRS section.			

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[R] means HRS section is repealed.

* No such HRS section.

[†] No such HRS section.

[‡] No such HRS section.

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* Probably should be 484-10.

[R] means HRS section is repealed.

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[R] means HRS section is repealed.

* No such HRS section.

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[R] means HRS section is repealed.

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The following administrative rules purport to implement statutes that are either erroneously specified or nonexistent:

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		23-604-10	351-29 ^{cc}
16-19-1	431:7-		

- a. Probably should be 157-31.
- b. Probably should be 150A-5.
- c. Probably should be 127-9.
- d. Probably should be 296-49.
- e. Probably should be 323-5.1.
- f. No such HRS section.
- g. No such HRS section.
- h. No such HRS section.
- i. No such HRS section.
- j. Probably should be 89-7.
- k. No such HRS section.
- l. No such HRS section.
- m. Probably should be 39-53.
- n. Probably should be 444-4.
- o. No such HRS section.

- p. Probably should be 484-10.
- q. No such HRS section.
- r. No such HRS section.
- s. Probably should be 356-35.
- t. Probably should be 359-34.
- u. Probably should be 359-34.
- v. Probably should be 231-25.5.
- w. Probably should be 235-5.
- x. Probably should be 19-127.1-9.
- y. Probably should be 286-246.
- z. Probably should be SLH.
- aa. Probably should be 305A-3.
- bb. Probably should be 351-68.
- cc. No such HRS section.

HAWAII ADMINISTRATIVE RULES DIRECTORY 2000 SUPPLEMENT

TITLE 1

OFFICE OF THE GOVERNOR

<http://swat.state.hi.us/govrules/GovernorRules.htm>

Subtitle 1 Office of State Planning

Chapter

1 Repealed

2 Repealed

Subtitle 2 Executive Office on Aging

Chapter

3 Repealed

4 Repealed

- - -

Subtitle 1 Office of State Planning

Chapter 1

The Hawaii State Plan Policy Council
Rules of Practice and Procedure

REPEALED

Chapter 2

Rules Governing Special Management
Areas and Shoreline Areas Within
Community Development Districts and
Practice and Procedures Before the Office
of State Planning

REPEALED

Subtitle 2 Executive Office on Aging

Chapter 3

Long-Term Care Service
Development Fund

REPEALED

Chapter 4

Renovation and Conversion of
Existing Facilities for Long-Term
Care Programs

REPEALED

TITLE 2

OFFICE OF THE LIEUTENANT GOVERNOR

<http://swat.state.hi.us/VRC.htm>

Subtitle 1 Administration		Subtitle 1 Administration	
Chapter		Chapter 1	
1	Rulemaking, Declaratory Rulings and Public Records and Information	Rulemaking, Declaratory Rulings and Public Records and Information	
2	Change of Name		
8	Repealed		
14	Repealed	* * *	
14.1	Election Campaign Contributions and Expenditures	§2-1-4	Petition for adoption, amendment or repeal of rules
14.2	Administrative Practice and Procedure Before the Campaign Spending Commission	§2-1-5	Public hearing for adoption, amendment or repeal of rules
		* * *	
Subtitle 3 Boards and Commissions		Chapter 2	
Chapter		Change of Name	
26	Repealed		
29	Repealed		
		* * *	
Subtitle 4 Elections		§2-2-5.1	Nonacceptance of petition for processing
Chapter		* * *	
34 to 38	Repealed		
40	Repealed		
50	Adoption, Amendment, or Repeal of Rules by Chief Election Officer		
51	Voting	Chapter 8	
52	Primary Elections	Challenge by Voters	
53	Absentee Voting Procedures	REPEALED	
54	Voting Systems		
Subtitle 7 Office of Information Practices		Chapter 14	
Chapter		Campaign Spending Commission Rules	
71	Agency Procedures and Fees for Processing Government Record Requests	REPEALED	
- - -		Chapter 14.1	
		Election Campaign Contributions and Expenditures	
		§2-14.1-1	Purpose and scope
		§2-14.1-2	Definitions
		§2-14.1-3	Committee reports
		§2-14.1-4	Registration

§2-14.1-5	Reporting deadline	§2-14.2-3	Commencement of proceedings
§2-14.1-6	Recordkeeping	§2-14.2-4	Legal counsel
§2-14.1-7	Contributions; timely reporting	§2-14.2-5	Individual representing party
§2-14.1-8	Contributions; limits for persons	§2-14.2-6	Substitution of parties
§2-14.1-9	Contributions by political parties	§2-14.2-7	Intervention
§2-14.1-10	Contribution limits for special election held to fill vacancy	§2-14.2-8	Consolidation
§2-14.1-11	Contributions by state or county contractors	§2-14.2-9	Format and certification of pleadings
§2-14.1-12	Excess; residual; surplus contributions	§2-14.2-10	Service, generally
§2-14.1-13	Loans to candidates or committees	§2-14.2-11	Service by whom
§2-14.1-14	Expenditures	§2-14.2-12	Time
§2-14.1-15	Expenditures for personal expenses	§2-14.2-13	Extensions of time
§2-14.1-16	Authorized campaign expenditures; unauthorized campaign expenditures	§2-14.2-14	Motions
§2-14.1-17	Mixed benefit to the candidate	§2-14.2-15	Powers of the commission or hearings officer in conducting hearing
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§2-14.1-19	Application for public funds	§2-14.2-17	Absence of hearings officer
§2-14.1-20	Authorized campaign expenses of public funds	§2-14.2-18	Disqualification of a commission member or hearings officer
§2-14.1-21	Voluntary campaign expenditure limitation withdrawal	§2-14.2-19	Evidence
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		§2-14.2-27	Response
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		§2-14.2-29	Prehearing conference
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		§2-14.2-38	The commission's decision
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§2-14.2-44	Argument on written exceptions	Hawaii Crime Commission
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§2-14.2-53	Notice of argument	Chapter 34
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§2-14.2-58	Recommended decision	Voting Systems
§2-14.2-59	The commission's action on recommended decisions	§§2-35-1 to 23 Repealed * * *
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§2-14.2-63	Determination final	REPEALED
§2-14.2-64	Additional facts or supplemental memorandum	
§2-14.2-65	Public hearing	Chapter 37
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Board of Registration		§2-51-27	questionable address procedure
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Chapter 50		§2-51-29	Transfer or change of registration initiated by the clerk
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§2-50-3	Adoption, amendment, or repeal of rules	Subchapter 4 Voter Challengers and Appeals	
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§2-50-5	Decision; taking effect of rules	§2-51-41	Grounds for challenge
§2-50-6	Emergency rule making	§2-51-42	Challenge prior to election day; procedure
§2-50-7	Construction of rules	§2-51-43	Appeal to the board prior to election day
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<http://www.hawaii.gov/ag/Title5/Admin.html>

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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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<http://www.state.hi.us/tax/har.html>

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<http://www2.hawaii.edu/svpa/ar/rules.html>

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<http://www.state.hi.us/ethics/>

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Chapter 6 **State Ethics Commission** **Petitions for Adoption,** **Amendment or Repeal of Rules and for** **Declaratory Orders**

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§21-6-7

Processing of the petition for
declaratory order; consideration
and disposition

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TITLE 23

DEPARTMENT OF PUBLIC SAFETY

<http://swat.state.hi.us/VRC.htm>

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